

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Za'Vari'A Sherer

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

Publix Supermarkets

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

**Complaint for Employment
Discrimination**

Case No. 2:23-cv-275-BHH-MHC

(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)

FILED
CLERK CHARLESTON, SC
2023 JAN 20 PM 12:39

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Za'Vari'A Sherer</u>
Street Address	<u>8306 Flowertowne Cir</u>
City and County	<u>Summerville (Dorchester)</u>
State and Zip Code	<u>South Carolina, 29485</u>
Telephone Number	<u>(803) 659-4251</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name

Publix

Job or Title

(if known)

Street Address

1585 Central Ave

City and County

Summerville (Dorchester)

State and Zip Code

South Carolina, 29483

Telephone Number

(843) 832-4017**Defendant No. 2**

Name

Job or Title

(if known)

Street Address

City and County

State and Zip Code

Telephone Number

Defendant No. 3

Name

Job or Title

(if known)

Street Address

City and County

State and Zip Code

Telephone Number

Defendant No. 4

Name

Job or Title

(if known)

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name

Publix

Street Address

1585 Central Ave

City and County

Summerville (Dorchester)

State and Zip Code

South Carolina, 29483

Telephone Number

(843) 832-4017

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Other federal law (specify the federal law):

☐ Relevant state law (specify, if known):

☐ Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts (specify): _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

9/6/22 - Present

C. I believe that defendant(s) (check one):

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

- ☒ race African American
☐ color _____
☒ gender/sex Male
☐ religion _____
☐ national origin _____
☐ age. My year of birth is _____. (Give your year of birth only if you are asserting a claim of age discrimination.)
☐ disability or perceived disability (specify disability)

E. The facts of my case are as follows. Attach additional pages if needed.

I was hired by Publix on 9/25/21.
My official start date was 10/1/21.
My starting pay was \$14.50/hr.

Starting in January of 2022, I began
to notice how my manager Laura Outlaw

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

12-14-22

B. The Equal Employment Opportunity Commission (check one):

- ☐ has not issued a Notice of Right to Sue letter.
☒ issued a Notice of Right to Sue letter, which I received on (date)

1-13-23

①

would treat me differently than other associates who were white and who were females like herself. I noticed how Laura would allow certain behaviors from white female associates, but whenever I displayed those same behaviors, Laura would tell me that I'm being rude, disrespectful, aggressive, or that I had an attitude. Laura would not tell the white female associates this whenever they displayed ~~that~~ some type of behavior.

After an incident on 8/16/22, I finally reported what I believed to be discrimination to my store manager, Christy Pfunter. I made that report on 8/17/22. About 2-3 days later, Christy approached me and asked if I could write a statement for HR.

I submitted that statement to Christy on 9/4/22. On 9/6/22 I was contacted by Aaron Lanning, the Pharmacy Supervisor. Aaron assured me that my complaint would be taken seriously. Aaron told me that he was opening an investigation into my complaint.

②

By 9/8/22 I suspected that my complaint was not be handled seriously. I then proceeded to inform both Christy Pfunter and Aaron Lanning that I wanted to withdraw my complaint. Aaron then informed me that he was investigating complaints made against me that were prior to my complaint. This is where I believe Publix retaliated against me for making a discrimination complaint. Prior to me making my complaint I've never been informed or had any knowledge of complaints made against me. I believe the complaints made against me were falsely made in response to my complaint.

On 9/12/22 I submitted a formal complaint because I questioned how the investigation was being conducted. This launched a second investigation.

On 9/26/22 the first investigation had concluded. I met with Aaron Lanning and Christy Pfunter where they presented me with the findings of the investigation. They found nothing to support my complaint, but found that I had made threats and harassed

(3)

the associates who Publix claimed made a complaints against me. I immediately disputed those findings by telling Aaron and Christy that those complaints were not true. Christy and Aaron proceeded to tell me that I would be permanently transferred to another store.

On 9/29/22 I came across a job ad posted by Publix on 9/19/22. That job ad stated ~~Publix~~ Publix was looking for 2 part-time pharmacy technicians for the location I worked at. This job ad was posted days before the investigation officially concluded. I believe Publix posted this job ad because they had already determined that they were going to transfer me long before the investigation concluded.

On 11/10/22 the second investigation had concluded. Publix found no wrongdoing of Aaron Canning or Christy Plunter.

On 12/20/22 Aaron Canning met with me about me getting prescriptions filled at my old store location. Aaron told me because I made threats to associates, I could no

(4)

longer shop at store 1120 or get prescriptions filled there. That same day I filled a formal complaint against Aaron Lanning.

On 9/19/23 I was retaliated against by Aaron Lanning. Aaron called me into a meeting where he asked me to write a statement about an incident. Aaron would not go into detail, but I assumed it was for a complaint made against me.

There seems to be a pattern here. Every time I make a complaint, other complaints against me seem to follow.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (*check one*):

- ☐ 60 days or more have elapsed.
- ☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

\$250,000 for slander. Publix falsely accused me of making threats to other associates.

\$250,000 for Pain & Suffering - This entire situation has had me under tremendous amounts of stress and mental anguish.

\$250,000 for Retaliation and \$500,000 in Punitive damages
\$4,158 in back pay from 9/6/22 - 11/15/22

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 1-19, 2023.

Signature of Plaintiff

Printed Name of Plaintiff

Za'Vani'A Sherer

Za'Vani'A Sherer

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address